

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMERICAN MUNICIPAL POWER,  
INC.,

Defendant.

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CIVIL ACTION NO.

CONSENT DECREE

modifications that commenced at the Gorsuch Station prior to the date of lodging of this Consent Decree. Entry of this Consent Decree shall also resolve the civil claims of the United States for the opacity violations alleged in the Complaint filed in this action, and any additional opacity violations committed by AMP at the Gorsuch Station through the date of lodging of the Decree.

## **XII. PERIODIC REPORTING**

79. After entry of this Consent Decree, AMP shall submit to the United States a periodic report, within sixty (60) days after the end of each half of the calendar year (January through June and July through December) until such time as the Gorsuch Station is Retired and the Project is completed as applicable. The report shall include the following information:

- a. all information necessary to determine compliance with the requirements of the following Sections of this Consent Decree: Section IV concerning retiring the Gorsuch Station; Section V concerning NO<sub>x</sub> emissions and the surrender of NO<sub>x</sub> Allowances; Section VI concerning SO<sub>2</sub> emissions and the surrender of SO<sub>2</sub> Allowances; and Section VII concerning PM emissions;
- b. all information relating to Super-Compliant Allowances that AMP claims to have generated in accordance with Paragraphs 45 and 57 through emission reductions beyond the requirements of this Consent Decree;
- c. information relating to the number of offsets generated by Retiring the Gorsuch Station; the number of offsets used to permit a natural gas unit pursuant to Paragraph 63; and the number of offsets purchased in order to permit the natural gas unit pursuant to Paragraph 64.

- d. for the Project, a summary of actions taken, funds expended during the reporting period, as well as cumulative expenditures, and energy efficiency and estimated environmental benefits achieved to date in satisfaction of the requirements of Section IX (Environmental Mitigation Project).

80. In any periodic report submitted pursuant to this Section, AMP may incorporate by reference information previously submitted under its Title V permitting requirements, provided that AMP attaches the Title V permit report (or the pertinent portions of such report) and provides a specific reference to the provisions of the Title V permit report that are responsive to the information required in the periodic report.

81. In addition to the reports required by Paragraph 79, if AMP violates or deviates from any provision of this Consent Decree, excluding late reports for which the report itself is sufficient notice of the deviation, AMP shall submit to the United States a report on the violation or deviation within ten (10) business days after AMP obtained knowledge of the event. In the report, AMP shall explain the cause or causes of the violation or deviation and any measures taken or to be taken by AMP to cure the reported violation or deviation or to prevent such violation or deviations in the future. If at any time, the provisions of this Consent Decree are included in Title V Permits, consistent with the requirements for such inclusion in this Consent Decree, then the deviation reports required under applicable Title V regulations may be submitted to the United States to satisfy all the requirements of this Paragraph.

82. Each AMP report shall be signed by AMP's Environmental Manager (or equivalent title), and shall contain the following certification: This information was prepared either by me or under my direction or supervision in accordance with a system designed to assure that qualified

personnel properly gather and evaluate the information submitted. Based on my evaluation, or the direction and my inquiry of the person(s) who manage the system, or the person(s) directly responsible for gathering the information, I hereby certify under penalty of law that, to the best of my knowledge and belief, this information is true, accurate, and complete. I understand that there are significant penalties for submitting false, inaccurate, or incomplete information to the United States.

83. If any NO<sub>x</sub> or SO<sub>2</sub> Allowances are surrendered to any non-profit third party pursuant to Paragraphs 43 and 55, the non-profit third party's certification shall be signed by a managing officer of the non-profit third party and shall contain the following language: I certify under penalty of law that \_\_\_\_\_ [name of non-profit third party] will not sell, trade, or otherwise exchange any of the allowances and will not use any of the allowances to meet any obligation imposed by any environmental law. I understand that there are significant penalties for making misrepresentations to or misleading the United States.

### **XIII. REVIEW AND APPROVAL OF SUBMITTALS**

84. AMP shall submit each report or other submission required by this Consent Decree to EPA whenever such a document is required to be submitted for review or approval pursuant to this Consent Decree. EPA may approve the submittal or decline to approve it and provide written comments explaining the bases for declining such approval as soon as reasonably practicable. Within sixty (60) days of receiving written comments from EPA, AMP shall either: (a) revise the submittal consistent with the written comments and provide the revised submittal to EPA; or (b) submit the matter for dispute resolution, including the period of informal